### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Cook, et al.

S Attorney Docket No.: 25791.25.08

S Group Art Unit: 3672

Filed: January 8, 2002

S Examiner: Kenneth L. Thompson

For: TWO-STEP RADIAL EXPANSION

### **DECLARATION OF TODD MATTINGLY**

Honorable Commissioner of Patents P.O. Box 1450 Alexandria, VA 22313-1450

### Dear Sir:

I, Todd Mattingly, declare and say that I have direct knowledge of all facts set forth in this Declaration and:

- 1. I am a registered patent attorney, Reg. No. 40,298, and have been practicing patent law for twelve years.
- 2. Presently, I am a Partner in the law firm of Haynes and Boone, LLP (the Firm) in its Houston office.
- 3. Presently, I am the Firm's attorney responsible for the above-identified patent application.
- 4. Upon receipt of the Notice of Abandonment, I reviewed the file jacket, docket record sheet and other information relating to this matter to ensure that the Office action dated December 30, 2005 had not been received at the Firm. I also communicated with Ms. Kiefer and Ms. Vinson to gather facts pertinent to their declarations.
- 5. The Firm conducted its investigation with due diligence and is presenting this petition promptly after learning of the Notice of Abandonment for failure to respond to the Office action dated December 30, 2005 for the above referenced patent application.

I declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true and that these statements were made with the knowledge that willful false statements, and the like, so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Todd Mattingly

Date / H-639786\_1.DOC

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Cook, et al.

Appl. No. 10/030,593

Filed: January 8, 2002

Saminer: Kenneth L. Thompson

For: TWO-STEP RADIAL EXPANSION

### **DECLARATION OF SUZANNE KIEFER**

Honorable Commissioner of Patents P.O. Box 1450 Alexandria, VA 22313-1450

- I, Suzanne Kiefer, declare and say that I have direct knowledge of all facts set forth in this Declaration and:
- 1. I have been an employee of Haynes and Boone, LLP (the "Firm") since January 1998. In December, 2005, I was the IP Staff Supervisor in the Intellectual Property Practice Group (the "Group").
- 2. At all times relevant to the facts presented in this Declaration, I was responsible for developing, implementing and managing the Group's internal systems at the Firm including procedures relating to mail handling and docketing in order to adapt to growth and to more importantly prevent errors.
- 3. During the relevant time period, the following procedure was utilized by Group for handling mail and docketing incoming correspondence. Specifically, all incoming mail is received by the Firm's main mailroom within each of the Firm's offices. This mail is separated by attorney and sections within the Firm. All correspondence received for anyone within the Group is then directed to and opened by the Group's file clerks within each of the Firm's offices. Any correspondence relating to the prosecution of patent applications is sent to be given to our Group's docketing department for processing before it is given to one of the Group's attorneys.
- 4. I personally reviewed the Firm's internal mail log and determined that the Firm did not receive an Office action dated December 30, 2005 regarding the above-identified application.
- 5. I personally reviewed the docket record for the above-identified application and determined that there were no updates of the docket record to reflect the response date for an Office action dated December 30, 2005. A copy of the docket record for the above-identified application is attached as Exhibit B-1. The last activity in the docket record prior to December 30, 2005 was the receipt of a return postcard on October 12, 2005 for the filing of a supplemental IDS. The next activity in the docket record after December 30, 2005 is the receipt of a return postcard on April 17, 2006 for the filing of a supplemental IDS. An entry for "Awtg Office Action" dated January 14, 2006 was docketed as a routine matter in our anticipation of a 3<sup>rd</sup> Office action in the above-identified patent application. This action was completed with the date of August 31, 2006 which indicated our receipt of the Notice of Abandonment.
- 6. Upon receipt of the Notice of Abandonment, I investigated the reason for the abandonment and reviewed the patent application information for the above-identified application on the Patent Application Information Retrieval ("PAIR") system on the U.S. Patent and Trademark's Office

website and discovered that the U.S. Patent and Trademark Office ("USPTO") had received mail returned as undelivered on January 23, 2006. Upon review of the document that had been returned to the USPTO, I discovered that the document was the December 30, 2005 Office action which is the subject of the Notice of Abandonment. Exhibit B-2 is a copy of the PAIR image file wrapper index and a copy of the returned Office letter showing a return date stamp of January 23, 2006.

I declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true and that these statements were made with the knowledge that willful false statements, and the like, so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Augune Kiefer
Suzanne Kiefer

Date

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# EXHIBIT B-1

### Patent Record Sheet

### **File Information**

25791.00025.08 Docket Number Status **United States** Sub Status Country Regular Case Type Attorney Case Type Original Filing Associate 1 Relation Type Filing Type Patent Cooperation Treaty Associate 2

TH-1515 Enventure Global Technology, LLC ClientRef# Enventure Global Technology LLC Agent

TITLE:

Client\Division

Current Owner

Two-Step Radial Expansion

Application Number Application Date Patent Number Grant Date

10/030593 7/7/2000

NationalFilingDate **Publication Number Publication Date** Next Tax Date **Expiration Date** 

10/29/2002

Inactive

Abandoned

Todd D. Mattingly

### **Parent Information**

First Filing Date 7/9/1999 Parent Country United States

Parent Filing Date 7/7/2000

Parent Grant Number Parent Grant Date

PCT/US2000/018635

### **Patent Actions**

### **Actions Due**

Action	Action Due Date	Deadline Date	Completed Date	Action Notes
Publication Not Applicable				US National Phase
Abandoned				8/29/2006 - Received Notice of Abandonment. (amf)
Awtg Post Card	2/8/2002		2/20/2002	re: application filing
Awtg Official Filing Receipt	4/8/2002		2/13/2003	
Awtg Notice re Missing Parts	4/8/2002		4/5/2002	re: Notice of Missing Requirements - Declaration
Response Due to Missing Parts	6/1/2002	10/1/2002	5/31/2002	MISSING REQUIREMENTS
Awtg Post Card	6/30/2002		6/23/2002	re: response to missing parts
Missing Parts Response Due (1st Ext.)	7/1/2002	10/1/2002	5/31/2002	MISSING REQUIREMENTS
Awtg Executed Assignment	7/15/2002		6/4/2002	
Awtg Post Card	7/19/2002		7/17/2002	re: assignment recordation
Missing Parts Response Due (2nd Ext.)	8/1/2002	10/1/2002	5/31/2002	MISSING REQUIREMENTS
Awtg Executed Assignment	8/18/2002		9/5/2002	
Awtg Executed Declaration	8/18/2002		9/5/2002	
Missing Parts Response Due (3rd Ext.)	9/1/2002	10/1/2002	5/31/2002	MISSING REQUIREMENTS
File Assignment	9/15/2002		6/24/2002	
Dead Date to File Missing Parts	10/1/2002	10/1/2002	5/31/2002	MISSING REQUIREMENTS
Reminder - Response Due	10/6/2002	11/6/2002	10/23/2002	DENIED PETITION
Awtg Post Card	10/9/2002		9/24/2002	re: supp dec
Dead Date Response Due	11/6/2002	11/6/2002	10/23/2002	RESPONSE TO DENIED PETITION DUE

Awtg Post Card	11/23/2002		11/5/2002	response to denied petition
Awtg Acceptance of Petition	11/30/2002		9/16/2002	re: non signing inventor
Awtg Post Card	12/4/2002		11/13/2002	supplemental IDS
Awtg Recorded Assignment	12/19/2002		9/18/2002	
Prepare Request for Corr. Filing Receipt	2/20/2003		2/1/2003	see non-consistent priority data on filing receipt
Awtg Acceptance of Petition	4/23/2003		1/24/2003	GRANTED
Application Published - Original Date	7/8/2003		2/13/2003	estimated 18 months from filing date
Awtg Post Card	10/2/2003		9/16/2003	9/2/2003 Status Inquiry sent to USPTO, Awaiting results.
Awtg Status Inquiry Results	10/2/2003		12/15/2003	9/2/2003 Status Inquiry sent to USPTO, Awaiting results.
Awtg Post Card	10/18/2003		10/3/2003	Supplemental IDS filed.
1st Office Action Mail Date	5/21/2004		5/21/2004	
Response Due 1st O.A No Fee	8/21/2004	11/21/2004	9/13/2004	No action taken at this time.
Awtg Post Card	9/17/2004		8/24/2004	Suppl IDS Box 1
Awtg Post Card	9/17/2004		8/24/2004	Suppl IDS Box 4
Awtg Post Card	9/17/2004		8/24/2004	Suppl IDS Box 3
Awtg Post Card	9/17/2004		8/24/2004	Suppl IDS Box 2
Resp. Due - 1st O.A. (1 Mo. Extension)	9/21/2004	11/21/2004	10/11/2004	No action taken at this time.
Resp. Due - 1st O.A. (2 Mo. Extension)	10/21/2004	11/21/2004	11/1/2004	No action taken at this time.
Resp. Due - 1st O.A. (Final Dead Date)	11/21/2004	11/21/2004	11/22/2004	
Awtg Post Card	12/22/2004		11/30/2004	Amendment.
Awtg Office Action	3/1/2005		5/21/2004	12/1/2003 - PTO estimates over 15 months before a first office action will be received. 9/2/2003 Status Inquiry sent to USPTO, Awaiting results.
Awtg Post Card	3/3/2005		2/11/2005	Suppl IDS Box 4
Awtg Post Card	3/3/2005		2/11/2005	Suppl IDS Box 3
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Awtg Post Card	3/3/2005		2/11/2005	Suppl IDS Box 2
2nd Office Action Mail Date	3/17/2005		3/17/2005	
Awtg Office Action	3/22/2005		3/21/2005	
Reponse to 2nd Office Action due - No Fee	6/17/2005	9/17/2005	8/18/2005	8/18/2005 Closed action per SMK, no response filed 6/17/2005, extension to be taken.
Response to 2nd O.A. (1st Extension)	7/17/2005	9/17/2005	8/18/2005	8/18/2005 Closed action per SMK, no response filed 7/17/2005, extension to be taken.
Response to 2nd O.A. (2nd Extension)	8/17/2005	9/17/2005	9/14/2005	
Response to 2nd OA - Final Dead Date	9/17/2005	9/17/2005	9/14/2005	
Awtg Post Card	10/14/2005		9/22/2005	Response to OA filed.
Awtg Post Card	11/3/2005		10/12/2005	Box 1-Supplemental IDS filed.
Awtg Post Card	11/3/2005		10/12/2005	Box 3 - Supplemental IDS filed.
Awtg Post Card	11/3/2005		10/12/2005	Box 2-Supplemental IDS filed.
Awtg Office Action	1/14/2006		8/31/2006	3rd OA.
Awtg Post Card	5/6/2006		4/17/2006	Box 2 - Supp. IDS filed.
Awtg Post Card	5/6/2006		4/17/2006	Box 1 - Supp. IDS filed.

**Notes**Claims priority of both provisional applications; filed by filing date for .26 provisional. Joint Venture arrangement with Enventure

### Global Technology

### **Inventors**

### Inventors

Assignment Date Reel/Frame No. Inventor

Employed By Client

Cook, Robert Lance Stewart, R. Bruce

Ring, Lev

Haut, Richard Carl Duell, Alan B.

Wyant, Reece E.

Cowan, Kenneth Michael Brisco, David Paul

Nahm, James Jang Woo Mack, Robert Donald Filippov, Andrei Gregory Dean, William (Bill)

UpdateDate: 10/10/2006 UpdateUser: CURTSJ

# EXHIBIT B-2

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### TED STATES PATENT AND TRADEWARK OFFICE

UPIPED STATES DEPARTMENT COMMUNICATION STATE TO METER TRADERARK OFFICE COMMUNICATION FOR PATENTS
P.O. Box 1450
Alexandria, Virginis 22313-1450

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/030,593	10/29/2002	Robert Lance Cook	25791.25.08	2137
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Haynes & Boor Suite 4300	ie	CIPE MOSS	ART UNIT	PAPER NUMBER
1000 Louisiana		S Jills E	3672	
Houston, TX	77002	JAN & 3 2000 E	DATE MAILED: 12/30/2005	5

Please find below and/or attached an Office communication concerning this application or proceeding.

Best Available Copy

Office Action Summary    Cook ET AL.   Examiner   Art Unit   Examiner   Art Unit   Art		Uhhilanian mar	
The MAILING DATE of this communication appears on the cover sheet with the correspondence address   Poriod for Reply		10/030,593	COOK ET AL.
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LOMGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Exclusions for my to a walking on the representation of 37 PER 1.136(s). In over 1, 100 per 100	Office Action Summary	Examiner	Art Unit
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 37 CPE 1.13(6), Inno event, novewer, may a reply be within the provision of 37 CPE 1.13(6), Inno event, novewer, may a reply be within the provision of 37 CPE 1.13(6), Inno event, novewer, may a reply be within the provision of 37 CPE 1.13(6), Inno event, novewer, may a reply be within the available of the provision of the above claim (s).  A) Claim(s) 1-28,61,64-66,68-77.79-84 and 86-131 is/are pending in the application.  4) Claim(s) 1-3.7.21-25.28.61,64-66.68-77.79-84 and 86-131 is/are pending in the application.  4) Claim(s) 1-3.7.21-25.28.61,64-66.68-77.79-84 and 86-131 is/are pending in the application.  5) Claim(s) 1-3.7.21-25.28.61,64-66.68-77.79-84 and 86-131 is/are pending in the application.  4) Claim(s) 1-3.7.21-25.28.61,64-66.68-77.79-84 and 86-131 is/are pending in the application.  5) Claim(s) 1-3.7.21-25.28.61,64-66.68-77.79-84 and 86-131 is/are pending in the application.  6) Claim(s) 1-3.7.21-25.28.61,64-66.68-77.79-84 and 86-131 is/are pending in the application.  6) Claim(s) 1-3.7.21-25.28.61,64-66.68-77.79-84 and 86-131 is/are pending in the application.  7) Claim(s) 1-3.7.21-25.28.61,64-66.68-77.79-84 and 86-131 is/are pending in the application.  8) Claim(s) 1-3.7.21-25.28.61,64-66.68-77.79-84 and 86-131 is/are pending in the application.  8) Claim(s) 1-3.7.21-25.28.61,64-66.68-77.79-84 and 86-131 is/are pending in the application.  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on			
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNION.  Extensions of time ray be sended where the provisions of 3 CPR 1.1360, in one even, however, may a neply be limited and rest SX (8) MONTHS from the mailing date of this communication.  If NO peace for may be specified words, the maintainer and statisty platines, canaly and will acycle SX (8) MONTHS from the mailing date of this communication.  If NO peace for may be specified words, the maintainer and substitution is application to provide the communication.  If NO peace the system of the substitution of the maining date of this communication, even if limited that, may reduce any seminal plate the maining date of this communication, even if limited that, may reduce any seminal plate that maining date of this communication, even if limited that, may reduce any seminal plate that maining date of this communication, even if limited that, may reduce any seminal plate that maining date of this communication, even if limited that, may reduce any seminal plate that maining date of this communication.  If NO plate the maining date of this communication is not condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ○ Claim(s) 1-28.61.64-66.68-77.79-84 and 86-131 is/are pending in the application.  4) ○ Claim(s) 1-28.721-25.26.61.64-66.68-77.79-84.86-94.99-120.124-129 and 131 is/are allowed.  (5) ○ Claim(s) 2-20.62.62.79.59.91.721-123 and 130 is/are objected to.  (6) ○ Claim(s) 2-20.62.62.79.59.91.721-123 and 130 is/are objected to.  (7) ○ Claim(s) 2-20.62.62.79.59.91.721-123 and 130 is/are objected to by the Examiner.  Application Papers  9) □ The specification is objected to by the Examiner.  10) □ The drawing(s) filed on	Period for Reply		
1) Responsive to communication(s) filed on 14 September 2005. 2a) ☐ This action is FINAL. 2b) ☑ This action is non-final. 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ☑ Claim(s) 1-26.61.64-66.68-77.79-84 and 86-131 is/are pending in the application. 4a) Of the above claim(s) ☐ is/are withdrawn from consideration. 5) ☑ Claim(s) 1-3.7.21-25.28.61.64-66.68-77.79-84.86-94.99-120.124-129 and 131 is/are allowed. 6) ☑ Claim(s) 4-6 is/are rejected. 7) ☑ Claim(s) 8-20.26.27.95-98.121-123 and 130 is/are objected to. 8) ☐ Claim(s) 8-20.26.27.95-98.121-123 and 130 is/are objected to. 8) ☐ Claim(s) 8-20.26.17.95-98.121-123 and 130 is/are objected to by the Examiner. Application Papers  9) ☐ The specification is objected to by the Examiner. 10) ☐ The drawing(s) filed on ☐ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in aboyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) ☐ All b) ☐ Some * c) ☐ None of: 1 ☐ Certified copies of the priority documents have been received in Application No. ☐ Ocopies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s) 1) ☐ Notice of References Cited (PTO-892) 1) ☐ Notice of Internal Patent Application (PTO-152)	WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing	TE OF THIS COMMUNICATION 6(a). In no event, however, may a reply be tim Ill apply and will expire SIX (6) MONTHS from Paying the application to become ABANDONE	). lely filed the malling date of this communication. D (35 U.S.C. § 133).
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a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	Priority under 35 U.S.C. § 119		
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3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  Attachment(s)  1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  4) Interview Summary (PTO-413) Paper No(s)/Mail Date.  5) Notice of Informal Patent Application (PTO-152)			an Mo
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2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 5) Notice of Informal Patent Application (PTO-152)	1) Notice of References Cited (PTO-892)		
	<ul> <li>2) Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> <li>3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)</li> </ul>	5) D Notice of Informal Pa	e ltent Application (PTO-152)

Application/Control Number: 10/030,593

Art Unit: 3672

### **DETAILED ACTION**

### Claim Objections

Claims 8-20, 26, 27, 95-98, 121-123 and 130 are objected to because of the following informalities:

The recitation "circumferential groove" in claim 8, line 7 lacks antecedent basis. Claims 9-20, 26, 27 and 95-98 depend from claim 8 and are likewise objected to. Claims 121-123 and 130 have a similar recitation are likewise objected to. Appropriate correction is required.

### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4-6, are rejected under 35 U.S.C. 102(b) as being anticipated by Rabe, U.S. 4,779,4455.

Regarding claims 4-6, Rabe discloses a second tubular member (14) and a first tubular member (15) having an interior diameter substantially equal to the expanded inner diameter of the second tubular.

### Allowable Subject Matter

Claims 1-3, 7, 21-25, 28, 61, 64-66, 68-77, 79-84, 86-94, 99-120, 124-129 and 131 are allowed

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Claims objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose or suggest all the claimed subject matter including relative burst strengths.

The prior art of record does not disclose or suggest all the claimed subject matter including plastically deforming the tubular members.

### Response to Arguments

Applicant's arguments are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new grounds of rejection is made.

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Thompson whose telephone number is 571 272-7037. The examiner can normally be reached on 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/030,593

Art Unit: 3672

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

26 December 2005

Kenneth Thompson Primary Examiner Art Unit 3672 Page 4

### **ELECTRONIC INFORMATION DISCLOSURE STATEMENT**

### Electronic Version v18

Stylesheet Version v18.0

Title of Invention

TWO STEP RADIAL EXPANSION

Application Number:

10/030593

Confirmation Number:

2137

First Named Applicant:

Robert Cook 25791.25.08

Attorney Docket Number:

3672

Art Unit: Examiner:

Kenneth Thompson

Search string:

( 1756531 or 2145168 or 2383214 or 2546295 or 2627891 or 3068563 or 3210102 or 3343252 or 3427707 or 3528498 or 3667547 or 3709306 or 3942824 or 4125937 or 4226449 or 4257155 or 4355664 or 4401325 or 4422507 or 4442586 or 4449713 or 4468309 or 4530231 or 4541655 or 4550782 or 4595063 or 4649492 or 4754781 or 4758025 or 4778088 or 4779445 or 4836579 or 4854338 or 4904136 or 4915177 or 4917409 or 4919989 or 4930573 or 4995464 or 5031370 or 5064004 or 5195583 or 5327964 or 5554244 or 5566772 or 5738146 or 6390720 or 6419025 or 6516887

or 6543545 ).pn

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Note: Applicant is not required to submit a paper copy of cited US Patent Documents

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# Signature

Examiner Name	Date
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TWO STEP RADIAL EXPANSION

**Application Number:** 

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First Named Applicant:

Robert Cook

Attorney Docket Number:

25791.25.08

Art Unit:

3672

Examiner:

Kenneth Thompson

Search string:

( 6543552 or 6591905 or 6622797 or 6698517 or 6701598 or 6702030 or 6712401 or 6719064 or 6722443 or 6722437 or 6732806 or 6820690 or 6832649 or 6834725 or 6843322 or 6857473 or 6892819 or 6902000 or 6902652 or 20020020531 or 20030042022 or 20040060706 or 20040221996 or 20040231839 or 20040262014 or 20050011641 or 20050015963 or 20050028988 or 20050039910 or

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or 20050144772 or 20050144777 or 20050150098 or 20050150660 or

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Sheet 1 of 1 In pige of U.S. DEPARTMENT OF COMMERCE PTO 449 Form PATENT AND TRADEMARK OFFICE Complete If Known Application Number 10/030,593 Filing Date 10/29/2002 **INFORMATION DISCLOSURE** Applicant(s) Cook al. STATEMENT BY APPLICANT 3672 Art Unit (use as many sheets as necessary) Examiner Name Kenneth Thompson Attorney Docket Number 25791.25.08 SHEET OF

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In place of PTO-1449 Form	U. S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	Complete if Known
		Application Number, 10/030,593
INFORMA	TION DISCLOSURE	Filing Date 10/29/2002
	ENT BY APPLICANT	Applicant(s) Cook al.
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OF		Examiner Name Kenneth Thompson
Addition 12	1 1 05 1 1	Attorney Docket Number 25791 25 08

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· Examiner's	gya No	Foreign Patent Doc	ument Publication Da	ite Patentee or Applicant of Cl	ted Translation		
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Examiner Signature

26 DEC 05

Date Considered

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### INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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OF

Complete if Known				
Application: Number #13	10/030,593			
Filing Date 12 This 1994	10/29/2002			
Applicant(s)	Cook al.			
ANUMEN WEST AND THE RES	3672			
Examiner Name 14 150 mg				
Attomey/Docket Number/(3	25791.25.08			

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Examiner Signature	Date Considered 25 PEC 05

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

### Application/Control No. Applicant(s)/Patent Under Reexamination 10/030,593 COOK ET AL. Notice of References Cited Examiner Art Unit Page 1 of 1 3672 Kenneth Thompson **U.S. PATENT DOCUMENTS** Date **Document Number** Classification Name Country Code-Number-Kind Code MM-YYYY 72/393 US-4,779,445 10-1988 Rabe, George B. Α US-В US-С US-D E US-US-F US-G US-Н US-US-US-K US-L US-M FOREIGN PATENT DOCUMENTS **Document Number** Date Classification Name Country Country Code-Number-Kind Code MM-YYYY N 0 P Q R S T NON-PATENT DOCUMENTS Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages) U ٧ W

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).) Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/030,593	10/29/2002	Robert Lance Cook	25791.25.08	2137	
79	590 12/30/2005		EXAM	INER	
Todd Matting			THOMPSON, KENNETH L		
Haynes & Boone Suite 4300			ART UNIT	PAPER NUMBER	
1000 Louisiana Houston, TX 77002			3672		
			DATE MAILED: 12/30/200:	5	

Please find below and/or attached an Office communication concerning this application or proceeding.

	10/030,593	COOK ET AL.					
Office Action Summary	Examiner	Art Unit					
	Kenneth Thompson	3672					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period w  - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 16(a). In no event, however, may a reply be tim rill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONEI	J. nely filed the mailing date of this c D (35 U.S.C. § 133).					
Status		•					
1) Responsive to communication(s) filed on 14 Second 2a) This action is FINAL.  2b) This 3) Since this application is in condition for allowan closed in accordance with the practice under Expression 1.	action is non-final. ce except for formal matters, pro		e merits is				
Disposition of Claims							
<ul> <li>4)  Claim(s) 1-28,61,64-66,68-77,79-84 and 86-131 is/are pending in the application.</li> <li>4a) Of the above claim(s) is/are withdrawn from consideration.</li> <li>5)  Claim(s) 1-3,7,21-25,28,61,64-66,68-77,79-84,86-94,99-120,124-129 and 131 is/are allowed.</li> <li>6)  Claim(s) 4-6 is/are rejected.</li> <li>7)  Claim(s) 8-20,26,27,95-98,121-123 and 130 is/are objected to.</li> <li>8)  Claim(s) are subject to restriction and/or election requirement.</li> </ul>							
Application Papers							
9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) acce Applicant may not request that any objection to the d Replacement drawing sheet(s) including the correction.  11) The oath or declaration is objected to by the Examiner.	pted or b)  objected to by the E rawing(s) be held in abeyance. See on is required if the drawing(s) is obje	37 CFR 1.85(a). ected to. See 37 CF					
Priority under 35 U.S.C. § 119							
<ul> <li>12) Acknowledgment is made of a claim for foreign part a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents</li> <li>2. Certified copies of the priority documents</li> <li>3. Copies of the certified copies of the priority application from the International Bureau</li> <li>* See the attached detailed Office action for a list of</li> </ul>	have been received. have been received in Application by documents have been received (PCT Rule 17.2(a)).	n No d in this National S	Stage				
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  Paper No(s)/Mail Date 10/05.	4)  Interview Summary (I Paper No(s)/Mail Date 5)  Notice of Informal Pate 6)  Other:	e	-152)				

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### **DETAILED ACTION**

### Claim Objections

Claims 8-20, 26, 27, 95-98, 121-123 and 130 are objected to because of the following informalities:

The recitation "circumferential groove" in claim 8, line 7 lacks antecedent basis. Claims 9-20, 26, 27 and 95-98 depend from claim 8 and are likewise objected to. Claims 121-123 and 130 have a similar recitation are likewise objected to. Appropriate correction is required.

### Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4-6, are rejected under 35 U.S.C. 102(b) as being anticipated by Rabe, U.S. 4,779,4455.

Regarding claims 4-6, Rabe discloses a second tubular member (14) and a first tubular member (15) having an interior diameter substantially equal to the expanded inner diameter of the second tubular.

### Allowable Subject Matter

Claims 1-3, 7, 21-25, 28, 61, 64-66, 68-77, 79-84, 86-94, 99-120, 124-129 and 131 are allowed

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Claims objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose or suggest all the claimed subject matter including relative burst strengths.

The prior art of record does not disclose or suggest all the claimed subject matter including plastically deforming the tubular members.

### Response to Arguments

Applicant's arguments are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new grounds of rejection is made.

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth Thompson whose telephone number is 571 272-7037. The examiner can normally be reached on 7:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David J. Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/030,593 Page 4

Art Unit: 3672

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

26 December 2005

Kenneth Thompson Primary Examiner Art Unit 3672

### **ELECTRONIC INFORMATION DISCLOSURE STATEMENT**

### Electronic Version v18

Stylesheet Version v18.0

Title of Invention

TWO STEP RADIAL EXPANSION

Application Number:

10/030593

Confirmation Number:

2137

First Named Applicant:

Robert Cook

Attorney Docket Number:

25791.25.08

Art Unit:

3672

Examiner:

Kenneth Thompson

Search string:

( 1756531 or 2145168 or 2383214 or 2546295 or 2627891 or 3068563 or 3210102 or 3343252 or 3427707 or 3528498 or 3667547 or 3709306 or 3942824 or 4125937 or 4226449 or 4257155 or 4355664 or 4401325 or 4422507 or 4442586 or 4449713 or 4468309 or 4530231 or 4541655 or 4550782 or 4595063 or 4649492 or 4754781 or 4758025 or 4778088 or 4779445 or 4836579 or 4854338 or 4904136 or 4915177 or 4917409 or 4919989 or 4930573 or 4995464 or 5031370 or 5064004 or 5195583 or 5327964 or 5554244 or 5566772 or 5738146 or 6390720 or 6419025 or 6516887

or 6543545 ).pn

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Note: Applicant is not required to submit a paper copy of cited US Patent Documents

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# Signature

Examiner Name	Date
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### **ELECTRONIC INFORMATION DISCLOSURE STATEMENT**

### Electronic Version v18

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TWO STEP RADIAL EXPANSION

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Examiner:

Kenneth Thompson

Search string:

( 6543552 or 6591905 or 6622797 or 6698517 or 6701598 or 6702030 or 6712401 or 6719064 or 6722443 or 6722437 or 6732806 or 6820690 or 6832649 or 6834725 or 6843322 or 6857473 or 6892819 or 6902000 or 6902652 or 20020020531 or 20030042022 or 20040060706 or 20040221996 or 20040231839 or 20040262014

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# Signature

1	Examiner Name	Date	
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Sheet 1 of 1 U. S. DEPARTMENT OF COMMERCE In pige of U.S. DEPARTMENT OF COMMERCE PTO 449 Form PATENT AND TRADEMARK OFFICE Complete If Known Application Number 10/030,593 PATENT 10/29/2002 Filing Date **INFORMATION DISCLOSURE** Applicant(s) Cook al. STATEMENT BY APPLICANT Art Unit 3672 (use as many sheets as necessary) Kenneth Thompson Examiner Name 25791.25.08 SHEET OF Attorney Docket Number

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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

.in plaœ of PTO-1449 Form	U. S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	Complete if Known	
		Application Number: 10/030,593	
INFORMA	TION DISCLOSURE	Filing Date 10/29/2002	
	NT BY APPLICANT	Applicant(s) Cook al.	
	any sheets as nacessary)	AH Unit	
		Examiner Name V. Kenneth Thompson	_

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Attorney Docket Number : 25791.25.08

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

OF

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Application Number 1				
<b>人用自然的关系,并们为自然的</b>	10/29/2002			
Applicant(s)	Cook al.			
Art United Attacks in the	3672			
Examiner Name 素素及	Kenneth Thompson			
Attorney/Docket Number/8	25791.25.08			

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Examiner Signature EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

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Index of Claims

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Art Unit

Reexamination

Kenneth Thompson

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10/030,593	COOK ET AL.
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### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Cook, et al.

Appl. No. 10/030,593

Filed: January 8, 2002

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Attorney Docket No.: 25791.25.08

Group Art Unit: 3672

Examiner: Kenneth L. Thompson

For: TWO-STEP RADIAL EXPANSION

### **DECLARATION OF LUCRESHA VINSON**

Honorable Commissioner of Patents P.O. Box 1450 Alexandria, VA 22313-1450

I, Lucresha Vinson, declare and say that I have direct knowledge of all facts set forth in this Declaration and:

- 1. I have been an employee of Haynes and Boone, LLP (the "Firm") since June 2005. In December, 2005, I was the IP File Clerk in the Intellectual Property Practice Group in the Firm's Houston Office.
- 2. All mail addressed to the Firm's Houston Office intellectual property attorneys is deposited at my desk where I open it. All mail coming from the U.S. Patent and Trademark Office is separated from the other mail. I scan all prosecution mail for docketing to the Firm's Docketing Department in the Firm's Dallas, Texas office. I keep an archive file of all mail scanned to the Firm's Docketing Department. I have reviewed the archive files of mail scanned to the Firm's IP Docketing Department and determined that an Office action dated December 30, 2005 in connection with the above-identified application was never received.

I declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true and that these statements were made with the knowledge that willful false statements, and the like, so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code.

Lucresha Vinson

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